

1 Introduced by Council President Hazouri at the request of the Mayor  
2 and Council Member White and amended by the Transportation, Energy  
3 & Utilities Committee:  
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6 **ORDINANCE 2021-293-E**

7 AN ORDINANCE CONCERNING ATLANTIC COAST LINE  
8 LOCOMOTIVE NO. 1504, LOCATED AT 1000 WEST BAY  
9 STREET AND SITUATED ON THE GROUNDS OF THE  
10 PRIME OSBORN CONVENTION CENTER, IN COUNCIL  
11 DISTRICT 7, JACKSONVILLE, FLORIDA ("ACL  
12 1504"); DECLARING ACL 1504, VALUED AT  
13 \$50,000.00, TO BE SURPLUS TO THE NEEDS OF THE  
14 CITY OF JACKSONVILLE (THE "CITY") AND  
15 AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO  
16 TRANSFER TITLE OF SAID PROPERTY TO THE NORTH  
17 FLORIDA CHAPTER OF THE NATIONAL RAILWAY  
18 HISTORICAL SOCIETY, INC. ("NFC-NRHS"), AT NO  
19 COST, IN ACCORDANCE WITH SECTION 122.812(C),  
20 *ORDINANCE CODE*, FOR RESTORATION AND OPERATION  
21 AS A PASSENGER EXCURSION AND FUNDRAISING  
22 TRAIN; DESIGNATING THE PLANNING AND  
23 DEVELOPMENT DEPARTMENT TO MONITOR ACTUAL USE  
24 OF ACL 1504; PROVIDING FOR WAIVER OF SECTION  
25 122.812(C)(3) (SURPLUS, OBSOLETE AND WASTE  
26 SUPPLIES AND OTHER TANGIBLE PERSONAL  
27 PROPERTY), *ORDINANCE CODE*, REGARDING THE  
28 REQUIREMENT FOR A REVERTER CLAUSE; PROVIDING  
29 FOR A RIGHT OF FIRST REFUSAL; AUTHORIZING  
30 REMOVAL OF THE NATIONAL REGISTER OF HISTORIC

1 PLACES DESIGNATION; RESCINDING LOCAL LANDMARK  
2 AND LANDMARK SITE DESIGNATIONS FOR ACL 1504;  
3 WAIVING THE REQUIREMENTS OF CHAPTER 307,  
4 *ORDINANCE CODE*, RELATIVE TO REVIEW OF THE  
5 RESCISSION OF THE LOCAL LANDMARK AND LANDMARK  
6 SITE DESIGNATIONS BY THE JACKSONVILLE HISTORIC  
7 PRESERVATION COMMISSION AND TO THE EXTENT SAID  
8 CHAPTER IS INCONSISTENT WITH THIS ORDINANCE,  
9 AND DIRECTING THE ZONING ADMINISTRATOR AND  
10 CHIEF OF LEGISLATIVE SERVICES TO TAKE CERTAIN  
11 ACTIONS RELATIVE TO THE RESCISSION OF LOCAL  
12 LANDMARK AND LANDMARK SITE DESIGNATIONS FOR  
13 ACL 1504; PROVIDING FOR AN EFFECTIVE DATE.

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15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

16 **Section 1. Declaration of Surplus.** The City hereby  
17 declares ACL 1504, located at 1000 West Bay Street and situated on  
18 the grounds of the Prime Osborn Convention Center, in Council  
19 District 7, valued at \$50,000.00, as more particularly described in  
20 **Exhibit 1**, attached hereto and incorporated herein by this  
21 reference, to be surplus to the needs of the City of Jacksonville  
22 and authorizes the appropriate City officials to transfer title of  
23 ACL 1504 to North Florida Chapter of the National Railway  
24 Historical Society, Inc., at no cost, pursuant to Section  
25 122.812(c), *Ordinance Code*. A copy of the certificate from the  
26 Director of Procurement certifying compliance with the provisions  
27 of Chapter 122, *Ordinance Code*, is attached hereto as **Exhibit 2** and  
28 incorporated herein by this reference. A copy of the property  
29 transfer form is attached hereto as **Exhibit 3**.

30 **Section 2. Public Purpose.** NFC-NRHS is under contract

1 with Sugar Express, LLC ("Sugar Express"), who will restore and  
2 operate ACL 1504 to power a tourist train by using the locomotive  
3 to offer passenger excursions in south central Florida. NFC-NRHS  
4 will use the proceeds of the sale of ACL 1504 to Sugar Express to  
5 fund a "NFC-NRHS/Sugar Express Railroad Educational Scholarship"  
6 (the "Scholarship") to provide financial assistance to local Duval  
7 County high school students who desire to attend the National  
8 Railway Historical Society Rail Camp and other related activities.  
9 In addition, a portion of the sale proceeds will be used to support  
10 local educational and historical preservation goals of NFC-NRHS.  
11 Once ACL 1504 is operational, Sugar Express has agreed that it will  
12 use the locomotive to operate a special "fundraising" train within  
13 the first year of ACL 1504's return to service, with all ticket  
14 sale proceeds generated from that "fundraising" train going to NFC-  
15 NRHS for furtherance of rail preservation projects and further  
16 endowment of the Scholarship fund.

17 **Section 3. Planning and Development Department to Monitor**  
18 **Actual Use of ACL 1504.** The Planning and Development Department  
19 will be the designated agency to monitor the use and operation of  
20 ACL 1504 in accordance with the purposes set forth herein.

21 **Section 4. Waiver of Section 122.812(c)(3) (Surplus,**  
22 **obsolete and waste supplies and other tangible personal property),**  
23 **Ordinance Code.** Section 122.812(c)(3) (Surplus, obsolete and waste  
24 supplies and other tangible personal property), *Ordinance Code*, is  
25 hereby waived as to the requirement for inclusion of a reverter  
26 clause in the disposition of ACL 1504, such that NFC-NRHS or any  
27 subsequent owner of ACL 1504 will not be required to return the  
28 locomotive to the City should it cease to be used for the public  
29 purpose stated herein.

30 **Section 5. Right of First Refusal.** The disposition

1 authorized herein is conditioned upon the refurbishment and  
2 continued preservation of ACL 1504 for the purposes set forth  
3 herein and is further conditioned upon NFC-NRHS being provided a  
4 right of first refusal to re-acquire ACL 1504 should Sugar Express  
5 or any subsequent owner seek to sell or otherwise dispose of ACL  
6 1504 or cease to refurbish and preserve the locomotive for the  
7 purposes set forth herein. In the event NCF-NRHS exercises its  
8 right of first refusal to re-acquire ACL 1504, NCF-NRHS may assume  
9 the obligation to preserve and continue operating ACL 1504 for the  
10 purposes set forth herein or it may convey and physically return  
11 the locomotive to the City, at no cost to the City. NCF-NRHS shall  
12 include this right of first refusal in any and all documents  
13 effectuating a sale or transfer of ownership of ACL 1504.

14 **Section 6. Authorizing Removal of National Register of**  
15 **Historic Places Designation.** The City Council hereby recognizes  
16 and authorizes the removal of the National Register of Historic  
17 Places designation that will be automatically revoked upon transfer  
18 of ACL 1504 from its current location.

19 **Section 7. Rescinding Local Landmark and Landmark Site**  
20 **Designations; Waiver of Chapter 307, Ordinance Code, Pertaining to**  
21 **Review by the Jacksonville Historic Preservation Commission;**  
22 **Directing the Zoning Administrator and Chief of Legislative**  
23 **Services to Take Certain Actions.** The City Council hereby rescinds  
24 the Local Landmark and Landmark Site Designations for Atlantic  
25 Coast Line Locomotive No. 1504, located at 1000 West Bay Street and  
26 situated on the grounds of the Prime Osborn Convention Center, as  
27 approved by Ordinance 2009-650-E, and states and finds as follows:

28 (a) The Planning and Development Department has reviewed the  
29 application to rescind the Local Landmark and Landmark Site  
30 Designations for ACL 1504, as approved by Ordinance 2009-650-E, and

1 has made its recommendation to the City Council.

2 (b) The Land Use and Zoning Committee, after due notice and  
3 public hearing, reviewed the application to rescind the Local  
4 Landmark and Landmark Site Designations for ACL 1504, as approved  
5 by Ordinance 2009-650-E, and has made its recommendations to the  
6 City Council. Pursuant to Council Rule 6.105, there shall be only  
7 one official record of the quasi-judicial proceedings before the  
8 Committee of Reference, and the City Council finds that the Land  
9 Use and Zoning Committee served as the Committee creating the  
10 official record of quasi-judicial proceedings for this matter,  
11 notwithstanding review of this Ordinance by other Committees of the  
12 City Council.

13 (c) Based upon the competent, substantial evidence in the  
14 record, including the Staff Report of the Planning and Development  
15 Department and the recommendation of the Land Use and Zoning  
16 Committee, the City Council hereby finds that ACL 1504 fails to  
17 meet the requisite number of criteria for Local Landmark and  
18 Landmark Site Designations pursuant to Section 307.104(j),  
19 *Ordinance Code*, without owner consent.

20 (d) The City Council hereby waives Chapter 307, *Ordinance*  
21 *Code*, to the extent inconsistent with this Ordinance, including  
22 review by the Jacksonville Historic Preservation Commission, to  
23 expedite transfer and ultimate restoration of ACL 1504, and finds  
24 that the notice provided, and public hearings held, by the City  
25 Council and the Land Use and Zoning Committee meet all procedural  
26 and substantive due process requirements for rescinding the Local  
27 Landmark and Landmark Site Designations as described herein.  
28 Pursuant to the Rules of the City Council, the Rules Committee of  
29 the Council reviewed this waiver and has made its recommendations  
30 to the City Council.

1 (e) The City Council hereby directs the following actions:

2 (i) The Zoning Administrator shall remove the  
3 designations of ACL 1504 as a Local Landmark and Landmark Site  
4 on the City's Zoning Atlas.

5 (ii) The Chief of Legislative Services shall notify each  
6 applicant, the property owner, and the Property Appraiser, of  
7 the rescission of the designations of ACL 1504 as a Local  
8 Landmark and Landmark Site.

9 (iii) The Chief of Legislative Services shall record this  
10 Ordinance in the public records of Duval County, Florida.

11 (f) The enactment of this Section 6 of this Ordinance shall  
12 be deemed to constitute a quasi-judicial action of the City  
13 Council. Its effective date shall be the date of signature by the  
14 Council President and Council Secretary, notwithstanding the date  
15 of signature by the Mayor, or this Ordinance becoming law without  
16 the Mayor's signature.

17 **Section 8. Effective Date.** This Ordinance shall become  
18 effective upon signature by the Mayor or upon becoming effective  
19 without the Mayor's signature.

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22 Form Approved:

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24 /s/ Paige H. Johnston

25 Office of General Counsel

26 Legislation prepared by: Mary E. Staffopoulos

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